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SHREWSBURY, NJ 07702

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DEC 27 2005

OFFICE OF PETITIONS

In re Application of	:	
James Arnold, D. Scott Seaton	:	
Carla Woodworth, Michael Frandsen	:	DECISION ACCORDING
and Nathan Williams	:	STATUS UNDER
Application No. 09/518,753	:	37 CFR 1.47(a)
Filed: March 3, 2000	:	
Atty Docket No. SRI1P013X1	:	

This is in response to the PETITION FOR APPLICATION BY OTHER THAN ALL THE INVENTORS pursuant to 37 C.F.R. §1.47(a) filed August 15, 2000. The petition was recently forwarded to the undersigned for consideration.

The petition is **GRANTED**.

The above-identified application was filed on March 3, 2000, without an executed oath or declaration. However, it does not appear that a "Notice to File Missing Parts of Nonprovisional Application," requiring the missing items, was ever mailed.

Nonetheless, on August 15, 2000, applicants filed the instant petition (and fee) including an executed declaration and a surcharge for late filing. The declaration was executed by joint inventors Arnold, Seaton, Woodworth, and Frandsen on

behalf of themselves and on behalf of non-signing inventor Williams. Rule 47 applicants maintain that status under 37 CFR 1.47 is proper because joint inventor Williams has refused to execute the application.

A grantable petition under 37 CFR 1.47(a) requires: (1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings); (2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116; (3) the petition fee; and (4) a statement of the last known address of the non-signing inventor.


By declaration of facts of patent attorney Steve Beyer (of record at the time of filing of this petition), and supporting documentary evidence, petitioner has shown that the non-signing inventor has refused to join in the filing of the above-identified application after having been presented with the application papers. The petition includes payment of the petition fee and the last known address of inventor Williams.

The declaration filed August 15, 2000, and the petition have been reviewed and found in compliance with 37 CFR 1.47(a).

This application is hereby accorded Rule 1.47(a) status.

As provided in new Rule 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3219.



Nancy Johnson
Senior Petitions Attorney
Office of Petitions



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Paper No.

Mr. Nathan Williams
1401 University Street
Helena, MT 59601-6061

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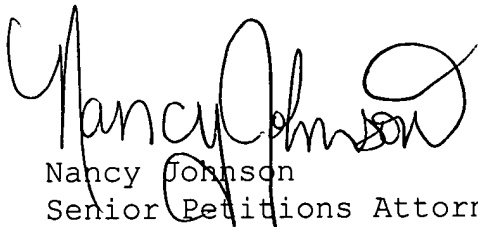
In re Application of :
James Arnold, D. Scott Seaton :
Carla Woodworth, Michael Frandsen : LETTER
and Nathan Williams :
Application No. 09/518,753 :
Filed: March 3, 2000 :
Atty Docket No. SRI1P013X1 :

Dear Mr. Williams:

You are named as a joint inventor in the above-identified United States patent application filed under the provisions of 35 U.S.C. 116 (United States Code) and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Telephone inquiries regarding this communication should be directed to Petitions Attorney Nancy Johnson at (571) 272-3219. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to the Certification Division at (703) 308-9726 or 1-800-972-6382 (outside the Washington D.C. area).

A handwritten signature in black ink, appearing to read "Nancy Johnson". The signature is fluid and cursive, with the first name "Nancy" and last name "Johnson" clearly distinguishable.

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

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